

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 04-CR-10020-RWZ

UNITED STATES OF AMERICA,
Plaintiff,

v..

MICHAEL HOWARD,
Defendant.

**MOTION TO RELEASE COMPONENT OF DEFENDANT'S TERMS OF
JUDGMENT REQUIRING HOME CONFINEMENT**

Now comes the defendant Michael Howard, having been sentenced by this Court after his plea of guilty to mail fraud and other related charges on June 2, 2005 to a term of eighteen months to be followed by six months in home confinement with electronic monitoring, hereby requests that this Honorable Court modify the terms of his judgment by removing the requirement of home confinement for the following good and valid reasons:

1. The defendant began serving his sentence on September 13, 2005 at FCI-Taft, located in Taft, California.
2. Mr. Howard was released from custody on or about November 15, 2006 from FCI-Taft to a Las Vegas, Nevada halfway house.
3. The defendant was released to his home from that halfway house on or about December 29, 2006.
4. Mr. Howard is currently working as a licensed Nevada Real Estate Agent at Coldwell Banker in Las Vegas, Nevada in order to pay off the \$446,412.68

order of restitution in this matter towards which 10% of his weekly salary is credited.

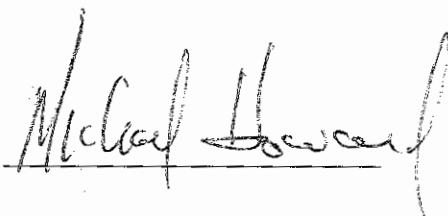
5. The defendant agreed to comply with all program rules in the Agreement with his USPO, Todd Fredlund executed on January 4, 2007 (Exhibit A)
HOME CONFINEMENT PROGRAM-PARTICIPANT AGREEMENT
6. Dated March 23, 2007, Judge Rya W. Zobel : endorsed ORDER entered granting Motion to Alter Judgment as to Michael Howard (1). Allowed to the extent that defendant shall be relieved of home detention & electronic monitoring during the hours 7 a.m. to 8p.m. He shall be restricted to his residence with monitoring from 8p.m. to 7a.m.
7. The defendant has made payments to the govenment (restitution) in the amount of approximately \$5,000 (10% of Real Estate Commissions).

It would be in the interest of justice, recognizing the defendant's age (he will turn 67 years of age on November 7, 2007) his lack of any other criminal record, the satisfactory completion of his sentence thus far, 156 hours of community service, religious services, educational certificates and achievement and working on the out-crew while incarcerated, the nature of his crime and the circumstances surrounding his situation, to allow this motion to modify the terms of his judgment either to be released immediately from Home Confinement or 6-months from the date, March 23, 2007 of the Motion to Alter Judgement. The date of the completion of the Home Confinement was June 29, 2007. Under the current conditions, the Home Confinement will terminate November 21, 2007 which will be approximately 11-months.

THEREFORE, the defendant Michael Howard asks that this Court modify the terms of his release by eliminating the requirement of the Home Confinement from his remaining sentence.

August 22, 2007

Respectfully submitted,
MICHAEL HOWARD, PRO SE

A handwritten signature in black ink, appearing to read "Michael Howard", is written over a horizontal line. The signature is somewhat stylized and cursive.

CERTIFICATE OF SERVICE

I, Michael Howard, do hereby certify that this document was mailed to the registered participants as identified on the Motion this date.

MICHAEL J. SULLIVAN
United States Attorney

Jonathan F. Mitchell
Assistant U.S. Attorney